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FROM: Diane K. Wong, Reg. No. 54,550 RETURN FAX NU (949) 737-2300

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MESSAGE

Tsugita et al. Re:

U.S. Application Serial No. 09/467,293

Attorney Docket No. 244,610-155

(formerly docket 247/062)

Document(s) attached:

- Letter (2 pages) Request for Refund re Deposit Account No. 50-2862 1.
- COPY of Application Transmittal dated 12/17/99 (4 pages) 2.
- COPY of CPA Application Transmittal dated 02/20/01 (2 pages) 3.
- Deposit Account No. 50-2862 Statement dated July 2004 (2 pages) 4.

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September 8, 2004

OUR FILE NUMBER 244,610-155

VIA FACSIMILE (703) 308-5077

WRITER'S DIRECT DIAL (949) 737-2924

Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

dkwong@omm.com

Re: Request for Refund - Deposit Account No. 50-2862

Dear Sirs:

The above-referenced deposit account contains an erroneous charge for claims in excess of twenty in connection with United States Patent Application No. 09/467,293 (Our Reference: 244,610-155, formerly 247/062).

This application was originally filed in the USPTO on December 17, 1999 with 27 total claims (2 of which were independent). Applicant provided proper authorization to charge Deposit Account No. 12-2475 for applicable filing and excess claim fees in the amount of \$443.00 (copy of Continuation Application Transmittal attached). On February 20, 2001, a Request for Filing a Continued Prosecution Application was filed in the USPTO. Applicant provided proper authorization to charge Deposit Account No. 12-2475 for applicable filing and excess claim fees for in the amount of \$710.00 (copy of CPA Transmittal attached).

On May 25, 2004, Applicant submitted its response to the Office Action dated February 26, 2004, but did not amend the pending claims (19; 23-28).

On July 7, 2004, our deposit account was charged for excess claims (\$63.00) as Sequence No. 3 (copy of July 2004 Deposit Account Statement attached). We believe this fee should not have been charged to our deposit account and request that \$63.00 be credited back to Deposit Account No. 50-2862.

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O'MELVENY & MYERS LLP Mail Stop 16, September 8, 2004 - Page 2

Should you have any questions, please do not heritate to contact us.

Sincerely,

Diane K. Wong Registration No. 54,550 for O'MELVENY & MYERS LLP

DKW:kmg

Enclosures

Patent 247/062

IN THE UNITED STATES AT ESTAND TRADEMARK OFFICE

Attenney Docket No.: 247/06/ Piest Nessed Investor: Treath Prior Application information Surial No. 09/387.63 Brandaet: To be Assistant Art Unit: 176

BOX PATENT APPLICATION
Assistant Commissioner for Patenta
Washington, D. C. 20231

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Patent 247/062

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A new power has been executed and is attached.

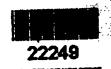
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The power does not separe in the original papers, but was filed on May 20, 1998 in

P.07

Patent 247/062

Please send all correspondence to Customer Name 22249:



LYON & LYON LLP Suite 4700 633 W. Fifth Street Los Angelies, CA 90071

Please direct all inquiries to John Kappos, at 949-567-2300.

Respectfully submitted,

LYON & LYON L

Dated: December 17, 1999

John Kappes
Reg. No. 37,861

Enclosures

EMBOL-X. INC.
Name of Assignee

645 Clyde Avenue, Mountain View, CA 94943-2213
Address of Assignee

Yue-Teh Yang. President and Chief Executive Officer.
Title of person authorized to sign on behalf of essignee

Assignment recorded in PTO on 02/27/98, Red 9191, Frame 0484

Patent

Attorney Docket: 247/062

IN THE UNITED STATES PATERIL AND TRADEMARK OFFICE

Attorney Docket No.: 247/062
Pinst Named Inventor: Taugite et al.
Prior Application Information:

Serial No.: 09/467,293 Exempler: M. Mendez Art Unit: 3763

BOX CPA Commissioner for Patents Washington, D.C. 20231

CONTINUED PROSECUTION APPLICATION (CPA) UNDER 37 CFR § 1.53(D)

This is a Request for filing a Continuation Application, under 37 CFR § 1.53(d) (Continued Prosecution Application (CPA)) of prior application Serial No. 09/467,293 filed on December 17, 1999, entitled BALLOON OCCLUSION DEVICE AND METHODS OF USE by TSUGITA et al., which remains the same for this Continuing Application.

The above-identified application in which no payment of Issue Fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this request for a CPA. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1.	\boxtimes	Use claims as on file in prior application.
2.	\boxtimes	A Preliminary Amandment is enclosed.
3.		This application is filed by fewer than all the inventors named in the prior application. Pursuant to 37 CFR § 1.53(d)(4) please delete the following inventors assect in the prior application:
4.		A new Power of Attorney or Authorization of Agent is enclosed.
5 .	\boxtimes	Information Disclosure Statement with PTO-1449; 🔀 copy of citations.
6.		Applicant claims small entity status pursuant to 37 CFR 1.27.
		CERTIFICATE OF MAREING (17 C.F.R. §1.10)

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